

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013-377

13 **MELISSA LEANN FERRELL,**
14 **AKA MELISSA LEANN JONES**
2804 Golden Grove Pl.
15 Lemon Grove, CA 91945

A C C U S A T I O N

16 **Registered Nurse License No. 660611**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about July 14, 2005, the Board of Registered Nursing issued Registered
25 Nurse License Number 660611 to Melissa Leann Ferrell, also known as Melissa Leann Jones
26 (Respondent). The Registered Nurse License expired on September 30, 2006, and has not been
27 renewed.

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected her license to disciplinary action under Code section
4 2761, subdivision (a)(4), in that she has had a professional license disciplined in another state.
5 The circumstances are that her Arizona registered nurse license has been disciplined in a
6 disciplinary action entitled *In the Matter of Registered Nurse License Number RN142120 Issued*
7 *To Melissa Leann Ferrell, Respondent*. The Arizona State Board of Nursing (Arizona Board)
8 issued a Consent for Entry Of Decree Of Censure Order Number 1201088 dated May 21, 2012,
9 based upon a complaint charging Respondent with violation of the State of Arizona Nurse
10 Practice Act. Pursuant to Arizona Revised Statutes (ARS) section 41-1092.07, subdivision
11 (F)(5), Respondent voluntarily consented to the terms and conditions of the Order and to the
12 entry of a Decree of Censure against her registered nurse license number RN142120.

13 9. Based on the evidence before it, the Arizona Board made the following Findings
14 of Fact:

15 a. The Arizona Board issued professional nurse license number RN142120
16 to Respondent.

17 b. On or about January 13, 2012, the Board received a complaint from
18 Respondent who self reported that she had started an intravenous infusion on a co-worker on
19 January 11, 2012, while employed at Mountain Vista Medical Center. Based upon the complaint
20 the Board conducted an investigation.

21 c. From on or about September 10, 2007, to January 13, 2012, Respondent
22 was employed at Mountain Vista Medical Center in Mesa, Arizona.

23 d. On January 11, 2012, Respondent started an intravenous infusion of
24 1000cc of Lactated Ringers on C.W., a co-worker who was ill when she arrived on duty.
25 Respondent did not have an order for the Lactated Ringers, C.W. was not a registered patient,
26 and no medical record was generated.

27 ///

28 ///

1 e. In a written statement on April 4, 2012, Respondent admitted that she
2 started the intravenous infusion on C.W. and realized that she should not have done this without
3 a physician's order.

4 10. Based on the evidence before it, the Arizona Board made the following
5 Conclusions of Law:

6 a. Pursuant to ARS sections 32-1606, 32-1663, and 32-1664, the Arizona
7 Board has subject matter and personal jurisdiction over the matter.

8 b. The conduct and circumstances described in the Findings of Fact
9 constitute violations of ARS section 32-1663, subdivision (D), ARS section 32-1601, subdivision
10 18(d), any conduct or practice that is or might be harmful or dangerous to the health of a patient
11 or the public, and subdivision 18(j), violating a rule that is adopted by the Board pursuant to this
12 chapter, effective September 30, 2009, specifically:

13 c. Arizona Administrative Code (AAC) section R4-19-403, subdivision (7),
14 failing to maintain a patient record that accurately reflects the nursing assessment, care,
15 treatment, and other nursing services provided to the patient, effective January 31, 2009.

16 d. AAC section R4-19-403, subdivision (12), assuming patient care
17 responsibilities that the nurse lacks education to perform, for which the nurse has failed to
18 maintain nursing competence, or that are outside the scope of practice of the nurse, effective
19 January 31, 2009.

20 e. AAC section R19-403, subdivision (16), removing, without authorization,
21 a narcotic, drug, controlled substance, supply, equipment, or medical record from any health care
22 facility, school, institution, or other work place location, effective January 31, 2009.

23 f. AAC section R4-19-403, subdivision (31), practicing in any other manner
24 that gives the Board reasonable cause to believe the health of a patient or the public may be
25 harmed, effective January 31, 2009.

26 g. The conduct and circumstances described in the Findings of Fact
27 constitute sufficient cause pursuant to ARS sections 32-1664, subdivision (N), to enter a decree

28 ///

1 of censure as a disciplinary action against the license of Respondent to practice as a registered
2 nurse in the State of Arizona.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 660611, issued to
7 Melissa Leann Ferrell, also known as Melissa Leann Jones;
- 8 2. Ordering Melissa Leann Ferrell to pay the Board of Registered Nursing the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3; and
- 11 3. Taking such other and further action as deemed necessary and proper.
- 12
13
14

15 DATED: November 6, 2012

16 *for* LOUISE R. BAILEY, M.ED., RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

22 SD2012704130
23 70630023.doc
24
25
26
27
28